

REMARKS

Claims 1-34 as originally filed are canceled herein, and claims 35-50 are added herein.

Support for claims 35-50 is found, e.g., on page 7, line 29, through page 8, line 9 of the specification, which describes the use of erbB-3 probes to detect expression of erbB-3 in normal and tumor tissues, and that increased erbB-3 expression, as detected by the methods of the present invention, plays a role in human malignancy. Support for claims 35-50 is also found, e.g., at Fig. 6 and at page 21, lines 5-11 of the specification, which shows and describes a Northern blot displaying elevated levels of erbB-3 mRNA in human mammary tumor cell lines.

Claims 35-50 also find support at page 23, lines 20-22 of the specification, which states that the erbB-3 gene is expected to play important roles in both normal and neoplastic processes, as is known for the EGFR and erbB-2 genes. Additional support for these claims is found, e.g., at page 24, lines 5-7 of the specification, which states: "Thus, mutations or other alterations in expression of the erbB-3 gene are likely to cause cancers or genetic disorders different from those associated with such defects in the erbB and erbB-2 genes." Further support is found on page 25, lines 4-8 of the specification: "Given that both erbB and erbB-2 have been causally implicated in human malignancy, the present findings (Example 5) that the erbB-3 transcript is overexpressed in a significant fraction of human mammary tumor cell lines indicates that this new member of the EGFR receptor family also plays an important role in some human malignancies."

Further support for claims 35-50 is also found in the specification, e.g., at page 26, line 29, through page 27, line 5 and at page 27, lines 13-15 of the specification, the latter of which states that "[i]n addition to breast tumors, expression of the erbB-3 transcript has been observed in a wide range of human carcinomas, including colon, lung, kidney, pancreas, and skin."

Applicants believe that no new matter has been added by the above amendments.

ATTORNEY DOCKET NO. 14014.0306U2  
SERIAL NO. UNASSIGNED

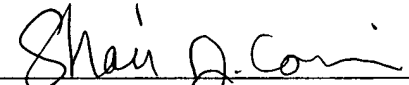
CONCLUSION

In view of the above amendments and remarks, allowance of the pending claims is believed to be warranted, and such action is respectfully requested. The Examiner is invited and encouraged to directly contact the undersigned if this might facilitate the prosecution of this application to issuance.

This Preliminary Amendment is being filed concurrently with Form PTO-2038, authorizing credit card payment in the amount of \$770.00 for the basic filing fee of the above-referenced, concurrently-filed utility application. Although no additional fees are believed due, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

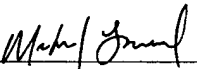
NEEDLE & ROSENBERG, P.C.

  
Shari J. Corin, Ph.D.  
Registration No. 46,243

NEEDLE & ROSENBERG, P.C.  
Customer Number 36339  
(678) 420-9300  
(678) 420-9301 (fax)

**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this correspondence, together with any items that are indicated as being attached or included, are being deposited with the U.S. Postal Service as Express Mail No. EL 992076271 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

  
Michael Laird

10/24/03  
Date